<u>REMARKS</u>

In the *final* Office Action mailed May 12, 2010, the Office noted that claims 6-9 and 11 were pending and rejected claims 6-9 and 11. In this amendment, claims 6 and 9 have been amended, claims 7 and 8 been canceled, and, thus, in view of the foregoing, claims 6, 9 and 11 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

<u>REJECTIONS under 35 U.S.C. § 103</u>

Claims 6-9 stand rejected under 35 U.S.C. § 103(a) as being obvious over Motohashi, U.S. Patent Publication No. 2003/0202782 in view of Thompson, U.S. Patent Publication No. 2003/0112737. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Claim 6 has been amended to recite "a writing device capable of writing record information onto an information recording medium comprising *a* first *recording layer, on which a lead-in area, a data area and a middle area are disposed in this order from an inner circumferential side to an outer circumferential side,* and *a* second recording *layer, on which a middle area, a data area and a lead-out area are disposed in this order from the outer circumferential side to the inner circumferential side*; a first controlling device for controlling

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said writing device (i) to write the record information into the first recording layer *from the inner circumferential side to the outer circumferential side* and (ii) to write the record information into *the* second recording *layer from the outer circumferential side to the inner circumferential side*, after the recording of the first recording layer is finished, while a recording direction is turned-around; a second controlling device for controlling said writing device to write a predetermined amount of buffer data on both of (i) *one portion of the middle area of the first recording layer which is on* an outer circumferential side of the record information written in an area portion of the first recording layer at which the recording direction is turned-around and (ii) *one portion of the middle area of the second recording layer which is on* an outer circumferential side of the record information written in an area portion of *the* second recording *layer* at which the recording direction is turned-around; and a third controlling device for controlling said writing device to add buffer data *on an other portion of the middle area of each of the first and second recording layers, wherein, said second controlling device responds to a first border close instruction after the record information is recorded over the first and second recording layers, and said third controlling device responds to a finalize instruction.*" (Emphasis added) Support for the amendment may be found, for example, in claims 7 and 8; Figs. 1(b), 2, 7 and 8

and; on page 19, lines 11 to 13 (¶ 0049); page 19, line 25 to page 20, line 1 (¶ 0050); page 20, line 19 to page 21, line 13 (¶ 0052); page 34, line 20 to page 35, line 10 (¶ 0087); page 38, lines 15 to 22 (¶ 0095); and page 38, line 24 to page 39, line 5 of the originally filed Specification. The Applicants submit that no new matter is believed to have been added by the amendment of claim 6. Claim 9 likewise has been amended in a similar manner.

As such, in the present claims, the predetermined amount of buffer data is written in one portion (for example, the short middle area (SMA) indicated in Fig. 8) of the middle area, in order to solve such a technical problem that if the record information is recorded over the first recording layer and the second recording layer, it is necessary to record the middle area with a huge information amount, for a process in which the record information on the recording medium can be reproduced on a DVD-ROM drive, i.e., so-called finalize, or the border close, which prolongs a time length for the recording process (see page 3, lines 17 to 21 (¶0010) of the Specification).

More specifically, as disclosed in page 34, line 24 to page 35, line 4 (¶ 0087) of the Specification, in the first recording layer (e.g. the L0 layer), the record information (e.g. contents) is recorded, and continuously, the predetermined amount of the buffer data is written in one portion of the middle area (e.g. the short middle area) of the first recording layer (e.g.

the L0 layer). Then after layer jump from the one portion of the middle area (e.g. the short middle area) of the first recording layer (e.g. the L0 layer), the predetermined amount of the buffer data is written in one portion of the middle area (e.g. the short middle area) of the second recording layer (e.g. the L1 layer), and continuously, the record information is recorded in the second recording layer (e.g. the L1 layer).

Namely, the present claims have the novel feature of the present claims such that "(i) the predetermined amount of buffer data is written in one portion of the middle area of each of the first and second recording layers when the border close instruction is firstly inputted after the record information is recorded over the first and second recording layers, and (ii) the buffer data is added to an other portion of middle area of each of the first and second recording layers when the finalize instruction is inputted". Due to the above novel feature, in recording the data (e.g. the video data) which requires real-time features, it is possible to record it over the first and second recording layers almost without interrupting the recording operation, and it is also possible to avoid a problem of buffer overflow or the like (see page 35, lines 12 to 15 of the Specification of the present application).

In contrast, Motohashi and Thompson do not disclose, suggest or teach the novel feature of the present claims such that "(i) the predetermined amount of buffer data is written in

one portion of the middle area of each of the first and second recording layers when the border close instruction is firstly inputted after the record information is recorded over the first and second recording layers, and (ii) the buffer data is added to an other portion of middle area of each of the first and second recording layers when the finalize instruction is inputted".

More specifically, Motohashi merely discusses that the closure 231 and the lead-out 232 are written into the recording medium having only single recording layer (Fig. 4 of Motohashi).

However, because Motohashi does not disclose the recording medium having two recording layers, Motohashi does not disclose the "middle area". Thus, Motohashi does not disclose the above novel feature which is related to the "middle area".

In addition, Motohashi does not disclose, suggest or teach the relationship between the recording timing of the "middle area".

Further, Thompson merely discusses that the opposite track path manner is adapted to the recording medium having a plurality of recording layers. Although Thompson discusses the middle area 330 (see Fig. 6 of Thompson), Thompson does not disclose, suggest or teach the recording timing of the middle area 330 and two separated recording procedures in the middle area 330. Namely, Thompson does not disclose, suggest or teach that (i) the buffer data is firstly recorded in one portion of the middle area 330 when the border close instruction is inputted

after the record information is recorded over the first and second recording layers (Layer 0 and Layer 1), and then (ii) the buffer data is added to the other portion of the middle area 330 when the finalize instruction is inputted.

Therefore, for at least the reasons discussed above, Motohashi and Thompson, taken separately or in combination, fail to render obvious the features of claims 6 and 9 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 6, 9 and 11 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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